

A FEDERAL COURT ORDERED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Soutter v. Equifax Information Services, LLC
Civil Action No. 3:10-cv-107**

NOTICE OF CLASS ACTION SETTLEMENT

You have received this notice because records indicate that an unpaid Virginia General District Court judgment was included in your Equifax credit report when that judgment actually had been satisfied, vacated, dismissed, or appealed.

Your legal rights will be affected by the settlement of this lawsuit. Please read this notice carefully. It explains the lawsuit, the settlement, and your legal rights, including the process for receiving a settlement check, reserving your rights to seek actual damages, excluding yourself from the settlement, or objecting to the settlement.

If the Settlement is approved, you will have your Virginia General District Court judgment deleted from your Equifax credit report, receive either four years of Equifax's credit monitoring service valued at \$ 717.60, or a cash payment of \$180.00, and if you are eligible, receive an additional cash payment from the \$3 million Cash Fund and reserve a claim for actual damages.

**ADDITIONAL INFORMATION ABOUT THE LAWSUIT, THE SETTLEMENT, AND YOUR RIGHTS
MAY BE FOUND AT: [http://\[REDACTED\].com](http://[REDACTED].com).**

You may also call the Settlement Administrator toll-free at (###) ###-####.

You can call toll free (877) FCRA-LAW (877-327-2529) to speak with the Law Firm that is representing you, or write to the Class Counsel, Consumer Litigation Associates, P.C., 763 J. Clyde Morris Blvd., Suite 1-A, Newport News, VA 23601, or by e-mail to: [\[REDACTED\]@clalegal.com](mailto:[REDACTED]@clalegal.com).

DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT TO THE COURT, OR TO EQUIFAX OR TO ITS ATTORNEYS. THEY ARE NOT PERMITTED TO ANSWER YOUR QUESTIONS.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
IF YOU DO NOTHING	<p>If the Court approves the settlement and you do nothing,</p> <p>(1.) you will receive an activation code for four years of free credit monitoring valued at \$ 717.60, and</p> <p>(2.) the Virginia General District Court judgment on your Equifax credit report will be deleted.</p> <p>You will not receive a cash payment. You will not be able to sue Equifax related to any inaccurately reported Virginia General District Court judgment.</p>
IF YOU SUBMIT A CLAIM FORM	<p>If you complete and submit the Claim Form attached to this Notice, you may receive additional payment and benefits:</p> <p>(1.) The Virginia General District Court judgment will be deleted from your Equifax credit report;</p> <p>(2.) You may chose to give up your four years of free credit monitoring (a \$717.60 value) and instead request a cash payment of \$180.00, the value of one year of credit monitoring;</p> <p>(3.) Additionally, if you were the subject of open Virginia General District Court judgment that was actually <u>vacated, dismissed, or appealed</u>, or you have previously made a written demand or filed suit against Equifax, <u>you are eligible to claim an additional cash payment under the settlement by completing and submitting the Claim Form attached to this Notice.</u> (A copy of the form will also be available at http://[REDACTED].com.) The deadline to postmark and return the claim form is ____ 2016.</p> <p>You will <u>not</u> be able to sue Equifax for statutory damages or attorneys fees related to the inaccurate judgment. You will <u>not</u> be able to sue Equifax for actual damages related to the inaccurate judgment unless you submit a form to reserve your actual damages (See Below).</p>

IF YOU SUBMIT A RESERVATION OF ACTUAL DAMAGES FORM	If you believe you incurred actual damages and you intend to file your own lawsuit because a credit report Equifax furnished contained an inaccurate Virginia General District Court judgment, you can reserve your right to seek actual damages resulting from the inaccuracy by <i>filling out the Reservation of Actual Damages Form you will receive with the Approval Notice</i> . (A copy of the form will also be available on the Settlement Website, http://[REDACTED].com .) No matter what, you will not be able to sue Equifax for punitive damages or statutory damages.
IF YOU EXCLUDE YOURSELF FROM THE SETTLEMENT	You have the right to exclude yourself from the settlement completely (“opt out”). You can opt out by following the instructions below or on the Settlement website http://[REDACTED].com . You will not receive any monetary payments from the Settlement, or receive the free credit monitoring service for four years. You will not have any right to object, but you will not be bound by the terms of this Settlement. You instead will have the right to sue Equifax without following the Reservation of Actual Damages process or being subject to its conditions. Your request to opt out must be postmarked by [REDACTED].

1. WHY DID I RECEIVE THIS NOTICE?

The Court ordered this notice because you have a right to know about a proposed Settlement of a class action lawsuit of which you may be a member, and about your options, before the Court decides whether to approve the Settlement.

You are a member of the Settlement Class and are affected by the settlement because Equifax’s records indicate that a copy of your Equifax consumer credit report reflecting an unsatisfied Virginia General District Court judgment that had been satisfied, vacated, dismissed or appealed at least 31 days prior to the date Equifax issued the consumer credit report to a third party.

Specifically, for the purposes of settlement only, the Court has certified a Settlement Class defined as follows:

All consumers in the United States whose Equifax File contained a Virginia General District Court civil judgment, between January 1, 2003 and the date of preliminary approval of the Settlement, that was reporting as an open judgment, if at least 31 days prior to delivery of the consumer report, and on the date of delivery of the consumer report, such judgment had been satisfied, vacated dismissed, or appealed as shown by the VSC Master File.

If you fall within the foregoing Settlement Class definition, you will be a Settlement Class Member unless you exclude yourself from the Settlement Class.

2. WHAT IS THIS LAWSUIT ABOUT?

Plaintiffs Donna Soutter, Brenda Arnold, and Joyce Ridgley are consumers who were sued for money and suffered civil judgments in Virginia General District Courts. Those judgments were later satisfied, vacated, dismissed or appealed. The Plaintiffs allege that Equifax, a consumer reporting agency, continued to report Plaintiffs’ Virginia General District Court judgments as open or unpaid in their credit reports.

Plaintiffs sued Equifax because they believe that Equifax violated the Fair Credit Reporting Act (FCRA), a federal law. The FCRA requires Equifax to “follow reasonable procedures to assure maximum possible accuracy” of every credit report it sells. 15 U.S.C. § 1681e(b). Plaintiffs have alleged that Equifax systemically failed to include records that Virginia General District Court judgments had been satisfied, vacated, dismissed or appealed in its credit reports and that this violated the FCRA.

Equifax has denied all claims and allegations of wrongdoing asserted in the Lawsuits and contends that it acted lawfully and in compliance with the FCRA at all times. Notwithstanding the denials of liability and alleged unlawful conduct, Equifax has decided it is in its best interest to settle the Lawsuits to avoid the burden, expense, risk and uncertainty of continuing the Lawsuits.

3. WHY IS THERE A SETTLEMENT?

The Court has not decided in favor of Plaintiffs or Defendant. Instead, both sides agreed to a Settlement. That way, they avoid the cost of a trial, and the people affected will benefit. The Class Representatives and their attorneys think the Settlement is best for the Class Members

4. WHAT DO YOU GET FROM THE SETTLEMENT?

- You are entitled to four years of the Credit Monitoring from Equifax at no cost to you. This is the retail product Equifax ordinarily sells for a retail price of \$717.60. Through this free service, you will have online access to your Equifax credit report and credit score at no cost to you for the entire four-year period. Instead of receiving this service, you also have the option to opt out of the four years of Credit Monitoring and to instead receive a cash payment equivalent to twelve (12) months of Credit Monitoring (\$180.00).
- You are also entitled to make a claim for a separate cash payment *if you qualify*. Equifax has agreed to pay \$3 million into a settlement fund. Settlement Class Members who were the subject of a judgment that was vacated, appealed or dismissed, and whose reports were inaccurate, or who have previously made a demand or filed a lawsuit about the judgment may submit a Claim Form to receive a payment from the Cash Fund. The amount paid will depend on how many people submit valid claims.
- If you believe you suffered actual damages as a result of Equifax's inaccurate reporting of your Virginia General District Court judgment and you want to file your own separate lawsuit, you may reserve your claim for actual damages by completing the Reservation of Actual Damages form.
- Equifax has also agreed to delete the Virginia General District Court judgment from your Equifax credit report and cease the reporting of Virginia General District Court judgments in future credit reports.
- Equifax must separately pay the costs of this notice and of administering the Settlement.
- Equifax must also separately pay any attorneys fees, costs and service awards ordered and approved by the Court.

5. HOW CAN I RECEIVE PAYMENT AND BENEFITS IN THIS SETTLEMENT?

- **Judgment Removal:** Equifax will automatically remove and cease reporting any Virginia General District Court judgment from your credit reports;
- **Credit Monitoring Subscription:** After the Settlement is approved, the Settlement Administrator will mail you an activation code and a weblink so that you may log-in and obtain your four-year credit monitoring subscription (a \$717.60 value). You will have two years to do this.
\$180 cash payment instead of Credit Monitoring Subscription. If you decide that you do not want the four-year subscription, you may elect to receive a cash payment of \$180.00 instead. You must complete the Claim form attached to this Notice or otherwise notify the Settlement Administrator in writing postmarked on or before ____, 2016.
Payment from Cash Damages Fund. In addition to the other payments, certain class members are eligible to make a claim for a cash payment. You are permitted to submit a claim for monetary compensation from the Cash Fund if you can truthfully state that Equifax issued a credit report about you that included an open Virginia General District Court judgment that had been vacated, dismissed, or appealed, or if you previously made a written demand for money to Equifax or filed a lawsuit against Equifax based on its reporting of a Virginia General District Court judgment. In order to submit a

claim, you will need to follow the instructions on the “Claim Form” attached to this Notice. The Claim Form will require that you provide some basic information. All of this information will be kept strictly confidential. Claim Forms that do not meet the requirements, as set forth in the Settlement Agreement will be rejected. If you do not provide accurate information, fail to make the required representations and attestations concerning membership in the Settlement Class, or fail to sign a registration form submitted by U.S. Mail by the deadline, your claim will be rejected. After all of the claim forms are received, the Settlement Administrator and the Parties will determine whether or not your judgment was vacated, appealed or dismissed or whether or not you have previously made a demand or filed a lawsuit about the judgment to Equifax. If your claim is not approved, you will be notified by the Settlement Administrator and your rights to dispute that determination will be explained.

Settlement benefits will not be provided until after the Settlement is approved and the “Effective Date” occurs. Claims processing may take significant time. Please be patient!

6. HOW CAN I RESERVE MY RIGHT TO LATER SUE FOR ACTUAL DAMAGES?

If you wish to reserve your claim for actual damages, you will need to notify the Settlement Class Administrator in writing no later than ___, 2016.

The Reservation of Actual Damages must be personally signed and must include: (i) name, address and telephone number; (ii) and a statement substantially to the effect that: “I reserve my actual damage claim in *Soutter v. Equifax Information Services, LLC*, United States District Court, Eastern District of Virginia, Case No. 3:10-cv-00107-REP.”

By reserving your claim for actual damages you may not recover outside the Settlement, under any circumstances, any damages other than actual damages. You further expressly release, waive, and agree not to pursue any additional damages or penalties, including (but not limited to) punitive damages and statutory damages.

If you receive a payment from the \$3 million Cash Fund, that amount may setoff (be deducted) from the amount of actual damages you might be awarded at some future date.

7. WHAT AM I GIVING UP TO STAY IN THE SETTLEMENT CLASS?

If you do not completely exclude yourself from the Settlement and if the Settlement is approved, you will not be allowed to sue Equifax (or continue to sue Equifax) on any of the claims that are settled. You will release all claims you may or could have based upon a violation of the FCRA or any other federal, state or local law, statute, regulation or common law, that involve a Virginia General District Court civil judgment appearing on your Equifax consumer credit report or File disclosure, or a consumer report or File disclosure created from data provided by Equifax, wherein such data inaccurately stated that the Virginia General District Court judgment was valid and had not been satisfied, vacated, dismissed or appealed. The formal release language and description of the Released Parties are included in the formal settlement Agreement, which is available on the Settlement website, http://_____.com.

8. HOW DO I EXCLUDE MYSELF FROM THE SETTLEMENT?

To completely exclude yourself from the settlement, you must complete the attached Exclusion Request, selecting “I am opting out” where indicated, or send a letter stating that you want to be excluded from the settlement of the *Soutter v. Equifax Information Services, LLC* case. Be sure to include: (1) the name of this lawsuit, *Soutter v. Equifax Information Services, LLC*, Civil Action No 3:10-cv-107; (2) your full name, current address, and telephone number; (3) the following statement: “I request to be excluded from the class settlement in *Soutter v. Equifax Information Services, LLC*, United States District Court, Eastern District of Virginia, Case No. 3:10-cv-107”; and (4) your signature. You must mail your Exclusion Request so that it is postmarked no later than ___, 2016, to:

Exclusion Requests – *Soutter v. Equifax Information Services, LLC* Settlement Administrator

If you exclude yourself, you should promptly consult your own attorney about your rights, as the time to file an individual lawsuit is limited.

9. DO I HAVE A LAWYER IN THIS CASE AND HOW WILL THEY BE PAID?

The Court has appointed **Leonard A. Bennett, Matthew J. Erausquin, Susan M. Rotkis, and Casey S. Nash**, Consumer Litigation Associates, P.C., 763 J. Clyde Morris Blvd., Suite 1-A, Newport News, VA 23601 to represent you and other Class Members. Together, the lawyers are called Class Counsel. You will not be separately charged by these lawyers for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

Class Counsel will ask the Court for an award of attorneys' fees and expenses of \$3,725,000.00 to be paid by Equifax, separate and apart from anything paid to you or other class members, which Equifax has agreed not to oppose. However, the Court may ultimately award less than the amount requested, or nothing at all.

The costs of this notice to you and the costs of administering the settlement are paid by Equifax, and will not come from the Cash Fund.

Additionally, the Class Representatives will ask the Court to approve a payment to Donna Soutter of an amount not to exceed \$20,000.00 and to Plaintiffs Arnold and Ridgley in amounts that do not exceed 2,500.00 each as a service award for their efforts and time expended in prosecuting this case. However, the Court may ultimately award less than this amount or nothing at all.

10. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?

If you are a Settlement Class Member who does not opt out entirely from the Settlement, you can object to the settlement if you think the settlement is unfair, unreasonable, and/or inadequate. If you choose to object, you can and should explain the detailed reasons why you think the Court should not approve the settlement. The Court and Class Counsel will consider your views carefully.

To object, you must send a letter stating that you object to the settlement in the *Soutter v. Equifax Information Services, LLC* case. Be sure to include (1) the name of this lawsuit, *Soutter v. Equifax Information Services, LLC*, Civil Action No 3:10-cv-107; (2) your full name, current address and telephone number; (3) a sentence stating that to the best of your knowledge, you are a member of the settlement class (4) the factual basis and legal grounds for the objection to the settlement; (5) the identity of any witnesses who you may call to testify at the Final Fairness Hearing; and (6) copies of exhibits that you may seek to offer into evidence at the Final Fairness Hearing.

Mail these materials to these three different places so that they are postmarked no later than **_____, 2016**. Objections to the Class Counsel's attorneys' fees or the requested service awards may be supplemented up to seven (7) days after the filing of a motion for such fees or awards to address additional information or materials in the motion.

COURT

Clerk of the Court
United States District Court
701 East Broad Street
Richmond, VA 23219

CLASS COUNSEL

Leonard A. Bennett
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Blvd., Suite 1-A
Newport News, VA 23601

EQUIFAX'S COUNSEL

Phyllis B. Sumner
King & Spalding, LLP
1180 Peachtree Street
Atlanta, GA 30309

There are additional requirements necessary for your attorney if you retain one. These requirements are stated in the Settlement Agreement and Preliminary Approval Order available at http://_____.com.

11. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you don't have to.

The Court will hold a Fairness Hearing on _____, 2016, at _____ m. at the United States District Court for the Eastern District of Virginia, 701 East Broad Street, Richmond, VA 23219, to consider whether the Settlement is fair, reasonable and adequate, and to consider any objections to the Settlement. The Court will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The hearing may be continued without further notice.

12. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer questions the Court may have. But you are welcome to come at your own expense. If you send a

written objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend.

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in the *Soutter v. Equifax Information Services, LLC* case." Be sure to include your name, address, telephone number and your signature. Your Notice of Intention to Appear must be sent to the Clerk of the Court, Class Counsel and Equifax's Counsel, at the three addresses provided above and must be received by the Clerk of the Court by [REDACTED], 2015. You cannot speak at the hearing if you have excluded yourself.

13. HOW DO I GET MORE INFORMATION?

You may visit the website [www.\[REDACTED\].com](http://www.[REDACTED].com) where updates, documents and other information regarding the case will be available. You can also call the Settlement Administrator toll-free at _____ to ask questions and get more information. You can also write to them by regular mail at their address as follows: Claims Administrator, _____.

You can call toll free (877) FCRA-LAW (877-327-2529) to speak with the Law Firm that is representing you, or write to the Class Counsel, Consumer Litigation Associates, P.C., 763 J. Clyde Morris Blvd., Suite 1-A, Newport News, VA 23601, or by e-mail to: [REDACTED]@clalegal.com.